

FAYETTE COUNTY COMMISSION

AUGUST 8, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew D. Wender, John H. Lopez

The Fayette County Commission met in a regular meeting on this 8<sup>th</sup> day of August, 2014.

President Scalph called the meeting to order at 9:10 a.m.

Steve Fox, Assessor Chief Deputy, appeared before the Commission to present exonerations for personal property for Denver T. Fleming \$1,377.52; Benny & Diane May \$514.26; Tomara L. & David C. Keffer \$912.08; Leslie (Scarborough) Tweedie \$134.76; Carl Arthur & Lisa W. Hansen \$640.24; Kate Marie Flournoy \$165.88; John M. & Donna S. Bowling \$652.84; John Lewis & Ruth O. Nicholas \$287.04; Drema F. Taylor \$146.42; Nathan W. & Anthony Miller \$122.80; Charles & Lita (Mullins) Cozart \$53.04. Commissioner Lopez offered a motion to approve exonerations and Commissioner Wender seconded. Unanimous decision.

Mr. Fox presented exonerations for real property for Heather Stanley \$174.78; Christina & Bowling M. Woolwine \$20.42; Christina & Bowling M. Woolwine \$16.28; Richard & Kimberly Canterbury \$ 205.00; Linda V. Randall \$112.00; Virginia Johnson \$16.56; Pervis C. Major III \$3,056.72; Pervis C. Major III \$1,509.18; Kathie & James Small \$325.88; MWV Community Dev & Land LLC \$331.00; MWV Community Dev & Land LLC \$4,949.88; Susan Kirby \$6.42; James Kirby \$6.42; Gregory & Ava Nuckols \$582.96; Randall & Cathy Stover \$206.76; Bradley S. Kennan \$115.30; Rufus & Marilyn Kenney \$256.20; Sharon & Paula Blackwell \$373.08; Robert & Robin Pauley \$265.18; Robert & Robin Pauley \$235.18;

Carol J. Gilliam \$5.38; Carol J. Gilliam \$6.16; Ellen Stover \$305.56; Teddy J. Williams \$296.82; Page Kincaid PSD \$9.22; Billy McCallister \$256.20; Dennis & Evelyn Hazelwood \$459.10. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Approved checks for invoices to be released August 8<sup>th</sup> and approved 1<sup>st</sup> half payroll checks to be released August 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Sheriff Steve Kessler appeared to sign the Community Corrections grant. \$163,762.00 grant was approved. This is considerably lower than the previous year. The County will allocate 30%. Community Corrections will cut some expenses and the Sheriff will offset any costs to keep the program running. President Scalph mentioned that monies are available to help with costs. Debbie Berry, County Administrator, will meet with the Sheriff about this information. Commissioner Wender motioned to authorize President Scalph to sign the grant agreement. Commissioner Lopez seconded. Unanimous decision.

Discussion was then held regarding the new personnel manual. Commissioner Wender motioned to approve the personnel manual with all updates and changes as of today. Commissioner Lopez seconded. Unanimous decision.

David Neal, 911 Coordinator, appeared to discuss some issue with the 911 Center. Discussion was held regarding the HVAC system. Everything is working well. Appalachian Heating and Johnson Controls are covering costs. Ms. Berry will write a letter to Dan Snead about

the issue and costs. President Scalph wants to make sure that doors are being closed. She asked Mr. Neal to make sure employees are shutting doors all of the way.

Discussion was then held about the phone system issue. Mr. Neal said that an independent vendor is working to get tower 619 on our radar. Mr. Neal has contacted Wireless Industry and Frontier regarding this issue and he is waiting on a response. 911 calls are being routed to a number that is not monitored 24 hours a day. Commissioner Wender requested that Mr. Neal raise this issue with the Public Service Commission. Mr. Neal will ask his list serv to see if any other county has found a solution.

Discussion then turned to the 911 budget. Mr. Neal stated that he has been working to decrease overtime. He made adjustments to scheduling and staffing. Mr. Neal has no update on the budget to present. President Scalph will forward to Mr. Neal e-mail discussion she has conducted with other counties. Stephanie Sears, Staff Accountant, will work with Mr. Neal to develop a working budget. Ms. Sears will present this budget on August 29<sup>th</sup>.

Discussion was held regarding Arbuckle PSD. Arbuckle has an emergency expense of \$150,000.00. West Virginia Infrastructure and Jobs Development Council (IJDC) will pay half and is looking for a partner to pay the other half. County Commission will agree to be the partner as long as we are guaranteed that we will be repaid. The issue is a damaged containment ring. The Fayette County Commission wants a Letter of Intent from Arbuckle PSD and City of Oak Hill stating they are in agreement with consolidation and a guarantee the

Commission will be repaid.

President Scalph excused herself at 10:30 a.m. but will return. Arbuckle PSD does not meet again until August 21<sup>st</sup> for a chance to sign the Letter of Intent. If the Letter of Intent is not signed, the project will not be funded and the Commission and State will lose this money. The DEP has issued an order stating Arbuckle is responsible for fixing the issue.

Commissioner Wender motioned to approve paying half of the expected costs up to a total of \$150,000.00 for Arbuckle PSD to fix the emergency plant issues with the restriction of the Commission receiving the Letter of Intent to Consolidate signed by Oak Hill Sanitary Board, Oak Hill City Council and Arbuckle PSD. The Fayette County Commission will pay on a dollar by dollar basis along with the Infrastructure Council. The Fayette County Commission understands that we will be reimbursed once permanent money is received for the consolidation. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented letters and orders for the Commission to sign reappointing George Becker, Al Gannon, Pat Day and Bobby Kirby to the Fayette County Planning Commission. Commissioner Lopez motioned to approve these reappointments. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a letter for the Commission to sign for Charles "Shad" Dummitt thanking him for his service.

Ms. Berry presented a request from Nikki Lucas, Principal of Fayetteville Elementary School, to use the Fayette County Memorial Building on August 11<sup>th</sup> for Student/Parent Orientation. Commissioner

Lopez motioned to approve the use of the Fayette County Memorial Building with the understanding that they have insurance.

Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented property clean-up complaints to sign for the following: David M. Bragg, Nannie A. Fruit, and Patricia M. Brown. Commissioner Wender motioned to draft letters to Mr. Brag, Ms. Fruit and Ms. Brown advising them that the Commission will take action to remove the dilapidated structures from their properties. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the Building Code Inspector agreement for President Scalph to sign. Commissioner Wender motioned to authorize President Scalph to sign the agreement for the City of Oak Hill. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to authorize President Scalph to sign the agreement for the Town of Fayetteville. Unanimous decision. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Division of Homeland Security and Emergency Management Sub Grant award document and Billing for Local Expenditures for EMPG grant for President Scalph to sign. Commissioner Wender motioned to authorize President Scalph to sign the document. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter of support for John David with SALS for HUD funding for a Fair Housing Initiative Program for the Commission to sign. Commissioner Wender motioned to approve the support letter. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter to Gabe Pena appointing him to the

Fayette County Solid Waste Authority. Commissioner Lopez motioned to appoint Gabe Pena to the Fayette County Solid Waste Authority.

Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a letter to West Virginia American Water regarding the Rt. 60 fire hydrants, appearance of the hydrants and their responsibility to maintain these hydrants. The Commission signed said letter.

Carl Harris, Prosecuting Attorney appeared regarding the Fiduciary Commission. Commissioner Wender motioned to accept the recommendation from the Fiduciary Commission with one exception. No two parties will be appointed but Lynn Pollard will be assigned and an order will be prepared jointly and signed by the Commissioner. Commissioner Lopez seconded. Unanimous decision.

Rob Rosiek appeared to discuss the Fayette County tennis courts. The Fayette County Commission sent letters to each involved party requesting help with this issue. The Fayette County Board of Education, State Senate, Town of Fayetteville, and the Fayette County Commission all agreed to their said amounts. Delegate David Perry said he can submit a request but money is tight so it is not guaranteed. Ms. Berry will write a letter to the House of Delegates stating the commitments that have already been made.

Delegate Perry suggested contacting the agencies that originally contributed and ask if any money is available. Ms. Berry will call. Commissioner Wender asked if the Board of Education can bid out the project to get the ball rolling while we wait for responses. Mr. Harris said that the Board of Education could do this as long as the

bid request states that we have the right to reject all bids.

Delegate Perry will speak with the Board of Education and see if a bid is permissible. Mr. Lopez inquired if Valley High School would be involved in this bid. Commissioner Wender requested that bidding for Valley be a separate bid and to continue with Fayetteville High School and Oak Hill High School. Delegate Perry will report the Board of Education's response by August 29<sup>th</sup>.

President Scalph returned at 12:10 p.m.

Discussion on the New River Humane Society (NRHS) was held. Bob Korns, a financial donator, feels that what the County wants is reasonable. He feels the Board should be expanded to seven members but he doesn't think there is enough interest. This has been a family run business. He thinks NRHS pulling out of the shelter would be a mistake. He didn't agree with it to begin with and he hopes a compromise can be reached.

President Scalph mentioned that it was not the Commission's intent to dissolve the agreement with the NRHS. The Commission understands the hard work that the board has put into the shelter. The Commission just wants backup for the budgeted \$225,000.00 for our auditors.

Mr. Korns suggested going to a seven member board and have accountability for the County funds. President Scalph reminds Mr. Korns that the original agreement stated that any monies raised should be reported.

Commissioner Wender agreed with both Mr. Korns and President Scalph that the 5 member board has done a great job with the shelter.

Commissioner Wender does not feel that the Commission's requests are unheard of. Internal control needs to be addressed. Four of the five current members will stay on and three new spots will be available. President Scalph stated that the new presented agreement and the original agreement are not very different. The Commission is not asking for anything new. Mr. Korn suggests having an election to get the seven member board with the board only having a vote. The Commission would hire a shelter manager who would also serve as the Commission representative on the Board.

Commissioner Wender stated that the Commission's request does not mean the original four board members will have to run in the election. Mr. Korn suggested having an election for the other two spots. Gloria King, NRHS, states that they do not want to dissolve the relationship but she feels they didn't have enough time and they have some changes. Ms. King stated they thought they were given an ultimatum of either yes or no and there would not be a discussion.

President Scalph and Commissioner Wender stated that this was not the Commission's intent. President Scalph asked Carl Harris for his input. Mr. Harris stated that delaying the signing of this agreement by 30 days would not hurt the agreement. The agreement is not the issue but the by-laws are and the Commission had suggested some changes.

Ms. King wants some time to review this information with the Board. The Commission agreed to have more discussion regarding the by-laws and subsequently held the discussion.

The Commission suggested following up in two weeks to work with



the by-laws and the Board can submit the NRHS suggestions. Further discussion can be held when the NRHS and the Commission are ready within the next two weeks.

The Commission enters into an executive session at 1:45 p.m.

The meeting adjourned at 2:30 p.m.

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